

REMARKS

In the Office Action, the Examiner rejected claims 1-26. However, the Examiner also indicated that claims 1-26 would be allowable by filing a terminal disclaimer and amending the claims to overcome the rejection under 35 U.S.C. § 101. By this paper, the Applicant hereby amends claims 1, 8, 16, and 20 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-26 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, the Applicant respectfully requests reconsideration and allowance of all pending claims.

Claim Rejections under Doctrine of Obviousness-Type Double Patenting

In the Office Action, the Examiner rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting over claims 29-49 of U.S. Patent No. 6,732,219, which is the parent of the present continuing application. Although the Applicant does not necessarily agree that the present claims 1-26 are obvious over claims 29-49 of the parent application, the Applicant hereby submits the enclosed terminal disclaimer to expedite allowance of the present application.

Claim Rejections under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 1 and 3-26 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically the Examiner stated that the claimed tangible medium does not indicate that the medium is computer readable or operating on a computer. Although the Applicant does not necessarily agree with the Examiner's rejection, the Applicant hereby amends the independent claims 1, 8, 16, and 20 to expedite allowance of the present application. Specifically, the Applicant hereby amends independent claims 1 and 8 to recite, *inter alia*, "the tangible medium is computer readable." Similarly, the Applicant hereby amends independent claim 16 to recite, *inter alia*, "the means for analyzing and the means for

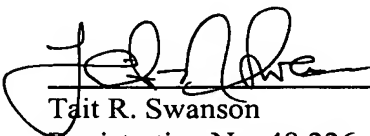
selecting are disposed on a computer readable medium.” Finally, the Applicant hereby amends independent claim 20 to recite, *inter alia*, a “computer-implemented method.” In view of these amendments and the enclosed terminal disclaimer, the Applicant respectfully requests allowance of all pending claims.

Conclusion

The Applicant respectfully submits that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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Tait R. Swanson
Registration No. 48,226
(281) 970-4545

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400